

**IN THE CIRCUIT COURT OF PLEASANTS COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**BB LAND, LLC, a West Virginia Company,  
and JB EXPLORATION 1, LLC, a  
West Virginia Company,**

**Plaintiffs,**

**vs.**

**Civil Action No.: 18-C-2  
Presiding: Judge Lorensen  
Resolution: Judge Carl**

**BLACKROCK ENTERPRISES, LLC,  
a West Virginia Company, and  
MICHAEL L. BENEDUM,**

**Defendants.**

**DAY ORDER FROM JANUARY 31, 2020 PRETRIAL CONFERENCE**

CAME the parties, in a Pretrial Conference held pursuant to this Court's Scheduling Order entered April 3, 2019, on January 31, 2020, commencing at 10:00 a.m. in the Visiting Judge's Courtroom on the Fifth Floor of the Kanawha County Judicial Building, 111 Court Street, Charleston, West Virginia, 25301.

1. David A. Mohler, Esq., Ronda L. Harvey, Esq., and Evan G. Conard, Esq. appeared for the Plaintiffs and Third-Party Defendants, and they also had with them client and witness Randy Broda, an in-house counsel member, and Brian Paugh. Brian R. Swiger, Esq., Vivan H. Basdekis, Esq., and John A. Budig, Esq., appeared for the Defendants, and they had Defendant Michael L. Benedum and witnesses John Morgan and Matt Slezak.

2. The Court heard oral argument by counsel for both parties regarding the following previously filed motions:

**FILED IN OFFICE**

**FEB 04 2020**

**MILLIE FARNSWORTH  
CIRCUIT COURT CLERK  
PLEASANTS COUNTY WV**

- a. Plaintiffs' and Third-Party Defendants' Motion for Protective Order; and
- b. Defendant's Motion for Sanctions for Failure of Blackrock's Counterparties to Comply with Court Orders.

3. The following witnesses were called in conjunction with the oral argument regarding the aforementioned Motions: Randy Broda, John Morgan, and Matt Slezak.

4. The foregoing Motions were ruled upon from the bench. Separate Orders containing findings of fact and conclusions of law supporting the Order ruling upon each of said motions were entered by the undersigned on February 4, 2020.

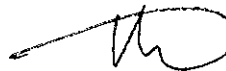
5. The trial in this matter was continued generally. The Second Pretrial Conference scheduled for February 28, 2020 in Pleasants County will remain as scheduled. The parties were directed to engage in supplemental discovery responses to remedy deficiencies in production promptly. Conference will be held February 28, 2020 in Pleasants County wherein the undersigned will consider if the deficiencies have been remedied.

6. If the deficiencies have been remedied, conference will be had regarding a new trial date.

7. The Pretrial Conference was then adjourned.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 4<sup>th</sup> day of February 2020.



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JUDGE MICHAEL D. LORENSEN  
JUDGE OF THE WEST VIRGINIA  
BUSINESS COURT DIVISION